IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9032 of 2005

Between:

Talor High School, Narasapur, West Godavari District

rep by Secretary and Correspondnet,
P. Jagan Mohan Rao

... PETITIONER

AND

1 The Government of Andhra Pradesh rep by Secretary,

School Education Department, Secretariat Hyderabad
2 The Commissioner and director of School Education,

Andra Pradesh, Hyderabad
3 The Regional Joint Director of school Education,

Kakinada, East Godavari Dsitrict
4 The District Ecuational Officer, Eluru, West Godavari District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction declaring the action of the respondents 1 to 3 in not taking follow up action for approval of the selections made by the staff selection committee on 17-9-2004 on the basis of the proposals sent by the 4th respondent vide file No. 251/b3/2004 dt.1-11-2004 as illegal, arbitrary and unjust and issue consequential direction to the respondents 1 to 3 to process the proposals sent by the 4th respondent forthwith and approve the selections made by the selection committee on 17-9-2004.

Counsel for the Petitioner: MR.K.CHIDAMBARAM
Counsel for the Respondent Nos.1 to 4: GP FOR EDUCATION

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9032 OF 2005

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ORDER :

This writ petition is filed seeking a Writ of Mandamus declaring that the action of the respondents 1 to 3 in not approving the selections made by the Staff Selection Committee on 17-09-2004 to the petitioner institution, on the basis of the proposals sent by the 4th respondent dated 1-11-2004, as arbitrary and illegal.

It is stated that eight aided posts fell vacant in the petitioner School and for filling up the said post, the petitioner has already taken all the necessary steps and the Competent Authority has also accorded the necessary permission. In pursuance thereof, the petitioner published notification inviting applications from eligible candidates apart from the candidates sponsored by the Employment Exchange. Call letters were also sent to the applicants, however the further steps could not be taken in view of the General Ban on Recruitment imposed by the Government under the Memo dated 20-10-2004.

The contention of the petitioner is that the General Ban under Memo dated 20-10-2004 cannot be made applicable to the case on hand since the Competent Authority has accorded necessary permission to fill-up the posts much prior to the ban imposed under the Memo dated 20-10-2004. In support of the said contention, the

learned Counsel for the petitioner has relied upon a decision of this Court in W.P.No.22188 of 2004, wherein this Court has dealt with an identical issue. This Court, having considered the scope of Memo dated 20-10-2004, held that in the Memo dated 20-10-2004 though it is stated that no new posts of grant-in-aid would be created and the existing vacancies will also not be filled up, in the very same Memo it is stated that the general ban is not applicable for the posts for which permission was specifically granted by the Government and accordingly permitted the petitioner therein to proceed with the selection process notwithstanding the ban imposed under the Memo dated 20-10-2004.

The learned Counsel for the petitioner submits that the ratio laid down in the said decision squarely applies to the case on hand and therefore the petitioner may be permitted to fill up the vacancies in question notwithstanding the ban imposed under Government Memo dated 20-10-2004.

The learned Government Pleader for School Education appearing for the respondents does not dispute the same.

Accordingly, the Writ Petition is disposed of with a direction to the respondents 1 to 3 to process the proposal sent by 4th respondent in accordance with law for approval of the selections made by the Staff Selection Committee on 17/9/2004 in accordance with law, notwithstanding the ban imposed under the Government Memo dated 20-10-2004. No costs.

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21st April, 2005.

Note:

CC in three days.

B/o

gbs

... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Secretary, School Education Department,

Government of Andhra Pradesh, Secretariat, Hyderabad
2 The Commissioner and Director of School Education,

Andra Pradesh, Hyderabad
3 The Regional Joint Director of school Education,

Kakinada, East Godavari Dsitrict
4 The District Ecuational Officer, Eluru, West Godavari District

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